

## **REMARKS**

Claims 7-10 are pending in the application. In the Office Action mailed February 3, 2010, claims 7-10 are rejected.

Consideration of the following remarks is respectfully requested.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the combination of U.S. Patent No. 5,867,964 to Perrin ("Perrin"), U.S. Patent No. 5,113,631 to diGirolamo et al. ("diGirolamo"), and U.S. Patent No. 3,821,868 to Edwards ("Edwards") for the reasons set forth on pages 2-6 of the Office Action.

The present invention provides a steel house construction configuration that streamlines details of the structural framework, eliminates the need for metal reinforcements, reduces work loads at jobsites, and simplifies designs (*see, e.g.*, p. 9, ll. 2-22; and p. 10, l. 24 through p. 11, l. 20). In the present invention, the vertical frame studs provided at intersections of the wall panels and corners are through studs continuing to an upper story (*see, e.g.*, p. 5, ll. 6-11; p. 9, ll. 2-7; p. 10, ll. 24-30; and Figs. 1-4). The upper edges of the wall panels of the lower story on two opposite sides are *positioned lower* than the upper edges of the wall panels of the lower story on the other two opposite sides (*see, e.g.*, p. 5, ll. 31-34; p. 8, ll. 11-17; and Fig. 3). The upper story floor panel (which is formed by attaching a floor plate to floor joists) and the wall panels are supported on the upper end of the *wall panels* of the lower story which are positioned lower (*see, e.g.*, p. 5, ll. 27-37; p. 8, ll. 18-20; and Fig. 4). The floor plate is disposed between the wall panels of the upper and lower stories (*see, e.g.*, p. 8, ll. 20-27).

In contrast, Perrin does not teach or suggest a steel house construction configuration in which the vertical frame studs are through studs continuing to an upper story. In Perrin, the studs 24 are factory fabricated and installed inside the wall panels 2 in the factory (Perrin at col. 7, ll. 9-12; and Fig. 1). Nor does Perrin disclose or suggest, as the Examiner admits, on page 3 of the Office Action, that the floor panel and the wall panels of the upper story are supported on the upper end of the wall panels of the lower story on the two opposite sides and the wall panels of the upper story are connected to the upper end of the wall panels of the lower story on the other two opposite sides while putting the floor plate therebetween.

The Examiner cites diGirolamo as allegedly disclosing these features. In this regard, the Examiner cites Figs. 2, 16, and 17, and col. 1, ll. 48 to 68 of diGirolamo, and states that "[a]s illustrated, two sides of the walls are like that of load bearing walls and carry the weight

of the upper story.” However, the Figures and text cited by the Examiner clearly show that diGirolamo’s studs are not through studs continuing to an upper story (*see, e.g.*, studs 10, 20, and 30 of Figure 16 which correspond to, and are different from, studs 10’, 20’, and 30’ of diGirolamo). Instead, in diGirolamo, the studs form the frame of the wall and support the upper story. That is, col.1, ll. 62 to 64 of diGirolamo states, in reference to Figure 2, that the studs 3 are “axial load bearing studs”, *i.e.*, the loads from the floor of the upper story are supported by the studs, not the walls. Further, it is clear from Figure 2 that the top tracks 4’ supporting the joists are arranged on the studs 3’, not the walls (*see, col. 1, l. 46 through col. 2, l. 11 of diGirolamo*). In addition, Figures 16 and 17 both clearly show that the upper story is supported on studs 10’, 20’, and 30’, not the walls. Therefore, diGirolamo does not cure the deficiencies of Perrin.

Furthermore, as mentioned above, the Examiner cites diGirolamo for disclosing that the floor plate is disposed between the upper and lower story wall panels. Specifically, the Examiner refers to Figure 50 of diGirolamo as allegedly showing that the “steel floor plate 21 is disposed between upper and lower wall panels.” However, reference numeral 21 is not a *floor* plate, but rather is a *bearing* plate (*see, e.g.*, col. 19, ll. 55 to 61 of diGirolamo). That is, the bearing plate 21 is a support member attached to the ceiling of the lower story; it does not function as a floor. Therefore, bearing plate 21 is different from the floor of the present invention, and diGirolamo does not teach or suggest the feature that the wall panels of the upper story are connected to the upper end of the wall panels of the lower story on the other two opposite sides while putting the floor plate therebetween, as in present claim 1.

Additionally, one of ordinary skill in the art would not have been motivated to combine the features of diGirolamo (as stated in the Office Action) with that of Perrin. DiGirolamo does not disclose or suggest that the floor panel is formed by attaching a floor plate to floor joists. DiGirolamo merely discloses precast concrete hollow core floor slabs (*see, e.g.*, col. 11, ll. 10-33 of diGirolamo). Such a structural support system is fundamentally different from that of Perrin, and one of ordinary skill in the art would not have been motivated to combine these two references.

The Examiner further admits, on page 5 of the Office Action, that both Perrin and DiGirolamo “fail to disclose... the wall panels and a lintel panel therebetween form a doorway opening in the wall of the lower story in at least one of the other two opposite sides”, but instead cites Edwards as allegedly disclosing this feature. However, nowhere does Edwards disclose or suggest a steel house construction configuration in which vertical frame studs provided at intersections of the wall panels and corners are through studs continuing to

an upper story, the upper edges of the wall panels of the lower story on two opposite sides are positioned lower than the upper edges of the wall panels of the lower story on the other two opposite sides, and the upper story floor panel and the wall panels are supported on the upper end of the wall panels of the lower story which are positioned lower. In this regard, it can be seen from Edwards that none of the wall studs in Edwards extends beyond the illustrated story of a house, and all walls of the story have the same height. Thus, regardless what Edwards teaches about the door opening, Edwards does not cure the deficiencies of Perrin and diGirolamo.

Accordingly, the rejection of claim 7 as obvious under 35 U.S.C. §103(a) over the combination of Perrin, diGirolamo et al., and Edwards cannot stand, and should be withdrawn.

Claims 8-10 depend from claim 7. As discussed above, claim 7 is not obvious over Perrin, diGirolamo et al., and Edwards. Therefore, for at least the reasons provided above, the rejection of claims 8-10 as obvious under 35 U.S.C. §103(a) over the combination of Perrin, diGirolamo et al., and Edwards cannot stand, and should be withdrawn.

### **Conclusion**

Applicants thus submit that the entire application is now in condition for allowance, an early notice of which would be appreciated. Should the Examiner not agree with Applicants' position, a personal or telephonic interview is respectfully requested to discuss any remaining issues prior to the issuance of a further Office Action, and to expedite the allowance of the application.

Respectfully submitted,

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